

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KAPLAN, et al.,

Plaintiffs,

Civ. No. 09-646 (RWR)

v.

HEZBOLLAH et al.,

Defendants.

DECLARATION OF DR. GUY PODOLER

I, Guy Podoler, of Haifa, Israel declare pursuant to 28 U.S.C. § 1746, as follows:

A. Professional Background

1. I am Lecturer in the Department of Asian Studies at the University of Haifa in Israel, a position I have held since 2007. In 2005, I was a visiting scholar at the Centre for Korean Research at the University of British Columbia in Canada. From 2006-2007, I was a Golda Meir Postdoctoral Fellowship Recipient at the Hebrew University in Jerusalem, Israel. I received my PhD. in Asian Studies from the Hebrew University, my master's degree in East Asian Studies with a focus on Korea from the Hebrew University and my bachelor's degree in Japanese Studies from the Hebrew University as well.

2. I have written widely on the topic of Korea. I am the author of the book, *Monuments, Memory, and Identity: Constructing the Colonial Past in South Korea*. Bern: Peter Lang (2011). I am editor of the book, *War and Militarism in Modern Japan: Issues of History and Identity*. Folkestone, Kent: Global Oriental,

2009. In addition, I have contributed articles to such journals as *Acta Koreana*, *The Review of Korean Studies*, *Zmanim: A Historical Quarterly*, *Japan Focus* and *The International Journal of the History of Sport*.

3. I have also published the articles "Seoul: Aspects of Identity Construction through the Urban Landscape," in *Memory, Forgetfulness and Spatial Construction*, edited by Haim Yacobi and Tovi Fenster. Jerusalem: Hakibutz Hameuchad and Van Leer Institute, (Forthcoming) (In Hebrew), "Seoul: City, Identity and the Construction of the Past," in *Remembering, Forgetting and City Builders*, edited by Tovi Fenster and Haim Yacobi, pp. 121-140. Aldershot: Ashgate, 2010, "Introduction," in *War and Militarism in Modern Japan: Issues of History and Identity*, edited by Guy Podoler, pp. 1-8. Folkestone, Kent: Global Oriental, 2009, "The Effect of Japanese Colonial Brutality on Shaping Korean Identity: An Analysis of a Prison Turned Memorial Site in Seoul," in *War and Militarism in Modern Japan: Issues of History and Identity*, edited by Guy Podoler, pp. 199-214. Folkestone, Kent: Global Oriental, 2009, "On the Confluence of History and Memory: The Significance of the War for Korea" (with Michael Robinson), in *The Impact of the Russo-Japanese War*, edited by Rotem Kowner, pp. 183-198. London and New York: Routledge, 2007, "The Autocrat" [on Park Chung Hee], in *Men of the Global South: A Reader*, edited by Adam Jones, pp. 217-220. London and New York: Zed Books, 2006 and "Dark Dawn and Sparks of Nationalism: Korea and the Implications of the War," in *The Forgotten Campaign: The Russo-Japanese War and its Legacy*, edited by Rotem Kowner, pp. 343-361. Tel Aviv: Ma'arachot, 2005. (In Hebrew).

4. My writing concerning Korea has also been published in the *World Congress for Korean Politics and Society 2011* [Proceedings], University of Incheon, Korea, 2011, *Proceedings of the 6th International Conference of Design History and*

Design Studies, Osaka University, 2008, *Korean-language version of "Japanese Colonialism, National Memory and Korean Football,"* (February 14, 2006) and in the *Yedioth Aharonot* daily newspaper (September 20, 2005).

5. A copy of my curriculum vitae is attached hereto as Appendix "A".

B. Nature of This Expert Witness Report

6. I have been asked by counsel for the plaintiffs in the case of Kaplan et.al v. Hezbollah et al., to provide my professional opinion as to whether the co-defendant in this action, the Democratic People's Republic of Korea (hereinafter "North Korea"), provided material support, resources and weapons to the Hezbollah terrorist organization which carried out massive missile attacks against the State of Israel prior to the Israeli-Lebanese War in July 2006.

7. My analysis and opinion as set forth below is based upon my academic studies, research, teaching positions and publishing over the course of many years as an expert on Asian and Korean affairs. I have obtained information from private consultations with security and international relations experts, reviews of documents, periodicals, credible news reports, government publications, and scholarly works, as well as from my own experience, working, living and traveling in the Far East, particularly in South Korea. In preparing this opinion, I have examined the complaint filed by the plaintiffs against the defendants.

C. Introduction

8. Despite the significant geographic distance, North Korea has been deeply involved in the Middle East for decades. Two major events that recently took place in the region again drew the attention of decision makers, pundits, and the

international community at large to the type and scale of this North Korean involvement. First was the Israeli-Lebanese War of 2006, which Hezbollah opened on July 12th with a feint rocket attack into Israel combined with a ground infiltration of Israel's northern border. The second event took place a year later, on September 6th, when Israel carried out an air raid against a nuclear site located in eastern Syria.

9. With keeping these two events in mind, and in light of the existing controversy of whether or not North Korea was indeed involved in them, the aim of this declaration is to shed light on the following questions: (1) Did North Korea provide assistance to Hezbollah on the eve of the Israeli-Lebanese War of 2006? (2) If so, why would it do it, especially while it had continuously demanded to be removed from the U.S. State Department's list of terrorism-supporting countries? and (3) If North Korea indeed supported Hezbollah, what was the nature of this aid?

10. In my view, it is impossible to fully assess these questions without understanding both the domestic North Korean context, as well as the context of this state's involvement in the Middle East. Moreover, answering the "why" question (question number 2) holds the key to shedding light on the North Korean involvement in southern Lebanon.

D. North Korean Involvement in the Middle East

11. North Korea began to establish diplomatic ties with Middle Eastern states in the mid-1960s. Furthermore, its active involvement in the region, too, dates back to at least the early 1970s. Then, following a visit of high-ranking North Korean dignitaries to Egypt in 1973, Saad el-Shazly, Egypt's chief of staff during the Yom Kippur War (or October War), became a key figure in promoting an assistance plan for his country. According to his own testimony, he went to North Korea and met its

leader, Kim Il-sung. In June that year the North Koreans sent military reinforcement that included 20 fighter pilots, some of whom having several encounters with the Israelis before and during the war. These facts, then, beg the question: what had motivated North Korea to become involved in the Middle East?

12. Understanding a combination of several motives is the key to answering this question. The motives are as follows: (1) competing with *South* Korea for political, ideological, and historical legitimacy; (2) pursuing an independent stance in the international arena; (3) modernizing the military; and (4) rescuing the badly deteriorating economy.

13. Since the division of the Korean peninsula into two separate entities in the late 1940s, South and North Korea have been engaged in a legitimacy battle, each de-legitimizing the other while claiming to be the true and only representative of the Korean people. Under this context, establishing as many diplomatic ties as possible was crucial, hence was the importance of the Middle Eastern states.

14. Furthermore, contrary to what many believed in the 1950s and even years later, North Korea was never a Soviet satellite state. Indeed, the Soviet Union and China have been allies of North Korea, yet the state preserved an independent foreign policy, including the attempt to rise to an influential position among the non-aligned nations. Among others, North Korea thus established diplomatic ties with Egypt in 1963, with Syria in 1966, and with Iran in 1973.

15. With regard to the military, Kim Il-sung's declared policy of "Four Military Lines" calls for arming the entire population, fortifying the entire country, training the entire army as a "cadre army," and modernizing the army. Accordingly, the Korean People's Army (KPA), which is in charge of national security and which also performs a variety of domestic roles, has been one of the major forces running

the country. Defense expenditures constitute about 25 percent of GNP, and with an active personnel of 1.1-1.2 million, the KPA is one of the largest militaries in the world. Its special forces are most likely the world's largest, and it also has a reserve personnel of about 8 million.

16. North Korea's need to modernize the army is closely tied to the country's economic situation. Until the early 1970s, the North Korean economy was in fact stronger than that of its rival sister to the south, yet at that time economic growth began to fall behind. Since then, the following factors exacerbated North Korea's deteriorating economic situation: (1) clinging to outdated economic planning models; (2) the dissolution of the former Soviet Union and Moscow's termination of its barter trade with North Korea; (3) China too ending its favorable trade relations with North Korea and raising its oil prices in the early 1990s; and (4) devastating natural disasters. Accordingly, making profits from arms sales to Middle Eastern states was perceived essential to both assuring the regime's survival and advancing military programs.

17. In particular, the economic aspect appears to be North Korea's main motive since the 1990s. Proof for this surfaced when it was reported that Israeli officials had met with the North Koreans in 1992-1993, offering North Korea cash in return for the suspension of its missile exports. The deal was not finalized due to various reasons, yet the main point is that the North Koreans seemed willing to discuss such an option.

18. A final point to be made here concerns North Korea's ideology. The state's motives to becoming involved in the Middle East are grounded in this ideology, which relies on two fundamental concepts: *juche* and *songun*. The dogmatic principle of *juche*, which was introduced by Kim Il-sung in the mid-1950s, represents an

independent ideological line expressing self-reliance, independence of thought, and independence in politics, economics, and defense. Domestically, the concept has been established as the core of North Korean nationalism, and externally, attempts have been made to export the idea to Third World countries. The concept of *songun* has been advanced by Kim Il-sung's son and heir Kim Jong-il since the late 1990s. The principle means "military-first," and it reflects Kim Jong-il's preference for the military over the party. Through the "military-first" politics, the regime attempts to strengthen both its international position by ways of deterrence, as well as its domestic authority by ways of social control and mobilization.

19. As such, economic profit, regime survival, and military deterrence – all, whenever convenient, wrapped and backed by a unique ideology – had motivated North Korea to become involved in the Middle East. And, as explained below, it has not been civilian trade that constituted the crux of this involvement.

E. The Middle East in North Korea's Foreign Relations, Background and the Egyptian Connection

20. In 1950, two years after the formation of the separate Korean states, the Korean War began with a North Korean massive attack on the South, aimed at unifying the peninsula through military means. As both U.N. forces – led by the U.S. – and Chinese forces became involved in the conflict, the War ended in 1953 leaving much destruction and a bitter legacy. Since then, and particularly since the mid-1960s, North Korea's diplomacy has been accompanied by the use of military force against the U.S. and South Korea. This was manifested in both conventional and terrorist attacks, in infiltration operations, and in assassination attempts. Parallel to this, and due to changing conditions in both the Korean peninsula and the international

community, the competition between the two Koreas on international legitimacy intensified in the 1970s. Added to that was the aforementioned trend of South Korea's economy catching up with, and gradually surpassing, that of the North. Not surprisingly, then, by 1975 North Korea had established diplomatic relations with over eighty countries, as compared with no more than fifteen countries it had relations with in 1961.

21. An examination of North Korea's relationships with nations in the Middle East is in order. To start with, in the early 1970s North Korea created the Second Economic Commission, which is responsible solely to cater the needs of the military. Even in economically dire times, preference is given to the military industry by the allocation of resources at the expense of the civilian population. With the establishment of this "second economy," its importance was soon to be demonstrated.

22. In the mid-1970s North Korea was looking to acquire Soviet-made FROG rockets, yet due to tense relations with the former Soviet Union, it could not do that directly. Instead, perhaps as repayment for its assistance in the Yom Kippur War, it was Egypt that supplied North Korea with several dozen FROG rockets and transporter erector launchers. In the late 1970s, Egypt again was a source for arms transfer, this time for North Korea's first ballistic missiles – Soviet-made Scud-Bs. Soon after the arrival of these missiles, North Korea began to reverse engineer them, a move that resulted in the production of the Hwasong-5 – North Korea's indigenous version of the Soviet missile. While cooperation between North Korea and Egypt continued in the field of missiles and missile technology, the Hwasong-5 was at the center of North Korea's first significant partnership with Iran in that area.

F. Relations with the Islamic Republic of Iran

23. During the Iran-Iraq War of 1980-1988, North Korea supplied the Islamic Republic of Iran (hereinafter "Iran") with naval mines and naval mines technology. This cooperation advanced to a new level after North Korea had built the first prototypes of the Hwasong-5 and conducted several test flights with mixed results. Then, North Korea reportedly signed an arms agreement with Iran under which the latter provided financial assistance for the development and production of the Hwasong-5 in exchange for receiving new technology and the option to purchase the missiles, once completed. It is commonly held that Iran indeed purchased 100 North Korean missiles in 1987 and launched dozens of them against Iraqi cities during the war.

24. Against the background of North Korea's worsening economic situation, this relationship expanded in the 1990s. The increased military cooperation between the countries manifested, for example, in North Korea's next generation of missiles including the Hwasong-6, Nodong-1, Taepodong-1, and Taepodong-2 missiles serving as the models for Iran's own Shahab series of missiles. In addition, after North Korea was compelled to agree to a missile test moratorium in September 1999 to avoid U.S. sanctions, it cooperated closely with Iran on proxy testing and data exchange. Further testimonies in this regard came from Mohammed Reza Heydari, Iran's former consul in Oslo who defected in 2010. Heydari said he had witnessed regular visits to Teheran by North Korean technicians between 2002 and 2007. When North Korea finally broke the moratorium through seven missile tests it conducted in July 2006, ten Iranian observers were reportedly present at the launch sites.

25. Regarding the North Korean nuclear program, numerous reports have surfaced since 1993 pointing to the collaboration with Iran in the development of

nuclear capabilities. According to these sources, Iran helped finance North Korea's nuclear program in exchange for nuclear technology and equipment. Thus, based on the data obtained throughout the years, it is assessed that the China-Pakistan-Iran connection has provided invaluable support to North Korea's advanced uranium enrichment capability. Finally, to grasp a fuller picture regarding the North Korean-Iranian military partnership, we must also refer to both Hezbollah and Syria.

G. Connection to Hezbollah

26. Hezbollah ("Party of God") is a radical Shi'a Islamic movement that was founded in Lebanon in the early 1980s. One of its central declared goals is the destruction of the state of Israel. Throughout the years Hezbollah has adopted and carried out terrorist acts against Israeli and Western targets, including guerilla attacks, suicide bombings, and the kidnapping of hostages. Though it enjoys the support of the Shi'a population in Lebanon, it is not popular among, and often criticized by, the country's Christians.

27. Since Hezbollah's foundation, the country that has been its closest ally, providing it with political, economical, and military assistance is Iran, where Shi'a Islam is the official religion. While Hezbollah recognizes the spiritual authority of the Iranian "Supreme Leader," Iran, which views Lebanon as an important strategic stronghold on the Israeli border, takes pride in supporting it.

28. On the eve of the war in 2006, Iran's status in Lebanon was particularly strong. It is argued that several developments have contributed to this strong status, including the increase of radicalism within Iran, the weakness of the Arab world, the rising Shi'ite influence in the region (in Iraq and Lebanon), and Iran's ability to advance ahead with its nuclear program. In particular, the London-based daily *Asharq*

Alawsat quoted a senior officer in the Iranian Revolutionary Guards, who admitted that hundreds of Hezbollah personnel who were fighting Israeli forces in 2006 received training in Iran. In addition, according to one intelligence source, Iranian missiles, firing systems, and launching equipment were delivered to Hezbollah, in the period before the war, through about 100 Iranian officers who were stationed in Syria and Lebanon. Iranian support to Hezbollah in Lebanon during that time also included the training of fighters, the identification of targets, and assistance in firing the weapons.

29. Regarding North Korea, according to different sources that are considered trustworthy, this state has directly provided arms and possible training to Hezbollah since the late 1980s and 1990s. Three high-ranking Hezbollah officials reportedly received training in North Korea: Hassan Nasrallah, who later became Hezbollah leader; Ibrahim Akil, head of Hezbollah's security and intelligence service; and Mustapha Badreddine, chief of counter-espionage. In addition, several intercepted North Korean shipments bound for Iran in 2009 contained North Korean weapons. Reportedly, among them were components for Grad rockets and rocket launchers of the type that Iran is known to have supplied Hezbollah and Hamas, which launched them into Israel during the period prior to and during the Israeli-Lebanese War of 2006.

30. Another form of cooperation between North Korea and Hezbollah, with Iran's assistance, was the construction of sophisticated underground complexes in southern Lebanon. North Korea's experience in the area of subterranean bunker construction dates back to the Korean War of 1950-1953. As American aerial bombing had succeeded in accurately hitting every significant military target in North Korea by 1952, the state moved factories, airplane hangars, schools, hospitals,

government offices, etc. underground. As a lesson from that war, for decades North Korea has invested heavily in building underground, and it has an estimated number of 15,000 underground security installations. The state's tunneling technology was exposed in the 1970s with the discovery of several tunnels that were dug under the demilitarized zone (DMZ) between the two Koreas. These deep and wide tunnels were wired with electricity, and they contained railways and truck vehicles. Given their size, tens of thousands of heavily armed troops can pass through them per hour.

31. North Korea's assistance to Hezbollah in that area has reportedly expanded following Israel's withdrawal from Lebanon in 2000. North Korean instructors were introduced into southern Lebanon by Iranian diplomats, and reportedly cooperated with Iranian engineers to build a 25-km long underground tunnel to move Hezbollah fighters. The North Koreans also instructed Hezbollah in the development of underground military installations, tunnels, and bunkers. Indeed, the abandoned underground complexes of Hezbollah that the Israeli Defense Forces and the U.N. discovered after the 2006 war bore a striking resemblance to the ones exposed under the DMZ. Finally, a report from 2008 points also to Syria's involvement in this North Korea-Iran-Hezbollah cooperation.

H. The Syrian Factor

32. In 2004, Syrian President Bashar Al-Assad reportedly met with North Korean officials and requested that they assist Hezbollah in designing and constructing underground installations. Of course, this was not the first time North Korea and Syria cooperated on military issues.

33. Syria has maintained close ties with both Iran and North Korea, and it is Hezbollah's strongest supporter in Lebanon after Iran. Syria began purchasing

missiles and components from North Korea in the early 1990s and has cooperated with Pyongyang on its ballistic missile program. In 1990, the two states signed a contract for the sale of 150-200 Scud-C missiles and several launchers. North Korea also transferred to Syria an assembly and production line, and reportedly later, also Scud-D missiles. North Korea also assists both Syria and Iran in constructing underground facilities, and it shares with them data regarding its missile testing.

34. Israel's attack on the Syrian nuclear reactor in Deir ez-Zor brought to the limelight reported North Korean involvement in Syria's covert nuclear program. According to various intelligence sources, at around 1997 the Syrians began cooperating with North Korea on their program to construct a reactor for the production of plutonium. Construction probably began in 2001 and was completed in 2007. The facility was nearing operational capability when Israel destroyed it in September 2007. The reactor, called Al-Kibar, resembled North Korea's own Yongbyon plutonium power reactor both physically and in terms of its technology. Ali Reza Asgari, former top intelligence advisor to the Iranian president and former deputy Minister of Defense, who defected in 2007, reportedly said that this Syrian-North Korean joint nuclear venture was financed by Iran.

I. Discussion and Conclusions

35. North Korea is a garrison state governed by a regime that places its own survival at the top of the state's list of priorities. Accordingly, there is no free flow of information into and out of the country, the economy is one of world's least open, and all aspects of life are put under the tight control of the leadership. This system is backed by the "self reliance" and "military first" nationalist ideology, which is saturated with the personality cult of Kim Il-sung and his son, Kim Jong-il.

Furthermore, first, the state was engaged in a struggle over legitimacy with South Korea, and second, changing geo-political and economic conditions left it with no cash to pay for oil.

36. Under this context, North Korea's emphasis on arms sales is better understood. The state is a world leader in the proliferation of ballistic missiles, with its missile program serving to strengthen the regime's prestige domestically and internationally. It also exports 100 million USD annually in weapons and missiles in violation of U.N. sanctions, and it is a major supplier of arms to the Middle East. Throughout the years North Korea has thus exported weapons and technologies to, and cooperated militarily with, among others, Egypt, Iran, Libya, and Syria.

37. Indeed, we do not have full access to all the relevant material concerning North Korean assistance to Hezbollah. However, as demonstrated above, a variety of reports have surfaced to provide information in this regard. Furthermore, based on the contexts that were presented here, I deduce that there are three interrelated explanations to the question of why North Korea would provide military assistance to Hezbollah prior and subsequent to the Israeli-Lebanese War of 2006:

(1) North Korea has a close military partnership with both Iran and Syria, Hezbollah's two pillars of support. By assisting Hezbollah, North Korea could further establish its position within, and show its commitment to, this alliance out of considerations for more economic profits in the future.


(2) By exporting advanced tunneling technology to Hezbollah, North Korea bolsters its prestige. This, in turn, serves as deterrence factor, as well as an incentive for more parties to place orders for North Korean arms and military technology.

(3) It seems that the North Korean point of view was that there was basically no good reason for why they *should not* have provided assistance to Hezbollah. Indeed, North Korea had continuously called for the U.S. to remove it from the State Department's list of terrorist sponsoring states. However, its pattern of behavior is to demand that right while acting in a manner that is counterproductive to earning it. We see that even after North Korea had been removed from the list in October 2008, it conducted the following actions: launching a long-range missile, which was most likely a missile test rather than a claimed attempt to launch a satellite; testing a nuclear device; sinking the South Korean Navy Ship the *Cheonan*; bombarding the South Korean island Yeonpyeong; and, based on the interception of arms shipments, violating U.N. sanctions and sending weapons to Iran that supplies them to both Hamas and Hezbollah.

38. Accordingly, it is my professional opinion that prior to the Israeli-Lebanese War of 2006, North Korea did provide the Hezbollah terrorist organization with assistance in constructing its underground system of tunnels and bunkers from which Hezbollah was able to successfully launch missiles into Israel and avoid Israeli aerial bombardments. In addition, North Korea provided scud and grad missiles to Hezbollah that were fired upon Israel during the two month long conflict and might have provided military training in North Korea to several top Hezbollah officials including the organizations' leader Hassan Nassrallah. The claims of North Korea's provision of material support and resources to Hezbollah during the period relevant to this lawsuit are, in my opinion, consistent with the facts.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on the 7th of September, 2011.



Guy Podoler